



PATENT  
Docket No. P-9527.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Victor D. Dolecek et al.

Serial No.: 09/833,233

Filed: April 9, 2001

For: BLOOD CENTRIFUGE HAVING  
CLAMSHELL BLOOD RESERVOIR  
HOLDER WITH INDEX LINE

Group Art Unit: 1723

Examiner: Joseph W. Drodge

**PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION**  
**(37 C.F.R. §1.48)**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a petition for correction of error in a nonjoinder of an inventor in the above issued patent application. It is respectfully requested that the PTO issue a certificate correcting the error.

Enclosed herewith is (pursuant to 37 C.F.R. §1.48):

- a. A statement from David Malcolm, who is being added as an inventor.
- b. A statement from Victor D. Dolecek, agreeing to the change in inventorship.
- c. A declaration from inventors Dolecek and Malcolm.
- d. A written consent of the assignee, Medtronic, Inc.
- e. A copy of an assignment from Dolecek and Malcolm to the assignee, Medtronic.

08/27/2004 EHAILE1 00000007 132546 09833233

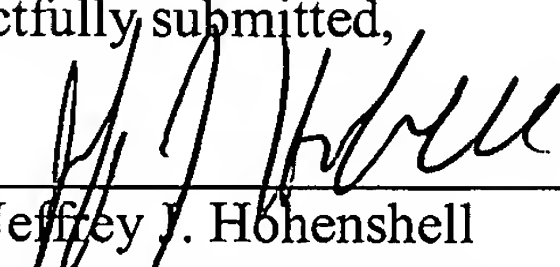
01 FC:1460 130.00 DA

Please charge the fee of \$130.00 required pursuant to 37 C.F.R. §1.17(i) to Deposit Account No. 13-2546. Please charge any additional fees or credit any overpayments to Deposit Account No. No. 13-2546.

Registration Number 34,109	Telephone Number 763-391-9661
Date August 23, 2004	

Respectfully submitted,

By

  
\_\_\_\_\_  
Jeffrey J. Hohenshell  
Senior Patent Counsel



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**CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP**  
**UNDER 37 C.F.R. § 1.48(a)(4)**

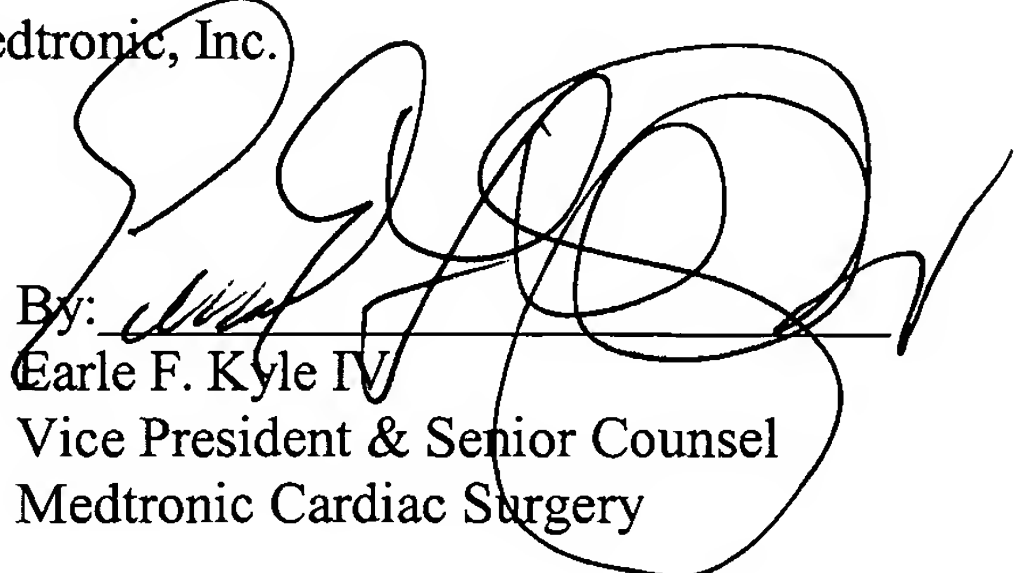
Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Medtronic, Inc., the assignee of the entire right, title, and interest in U.S. Patent Application No. 09/833,233 hereby consents to the accompanying Petition and Fee to Amend Inventorship Under 37 C.F.R. § 1.48(a).


Medtronic, Inc.

Date 8/23/04

By:   
Earle F. Kyle IV  
Vice President & Senior Counsel  
Medtronic Cardiac Surgery

Registration Number 34,109	Telephone Number 763-391-9661
Date August 23, 2004	

Respectfully submitted,

By   
Jeffrey J. Hohenshell  
Senior Patent Counsel



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Group Art Unit: 1723

Examiner: Joseph W. Drodge

STATEMENT UNDER 37 C.F.R. §1.48(a) (1)


Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

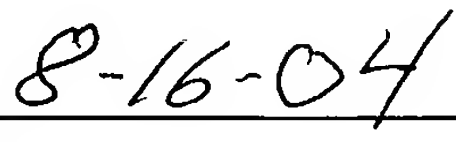
Dear Sir:


This statement is being submitted in support of a petition to correct inventorship under 37 C.F.R. § 1.48. A combined declaration and power of attorney listing my name in addition to the other inventor in this application David Malcolm was signed by me contemporaneously herewith. A copy of the signed declaration is attached hereto.

David Malcolm was omitted from the original list of inventors for this application, and is now being added as an inventor. I hereby state and declare that the error in inventorship occurred without deceptive intention on my part.

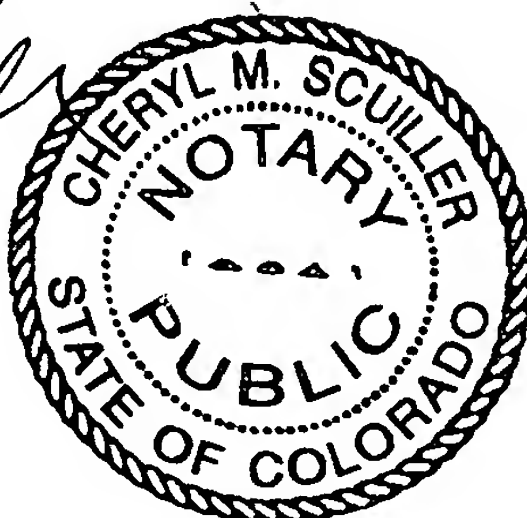
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Victor D. Dolecek et al.

  
\_\_\_\_\_  
Date

  
8-16-04

My Commission Expires 05/15/2007





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Docket No. P-9527.00

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In re Application of:

Victor D. Dolecek et al.

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HOLDER WITH INDEX LINE

Group Art Unit: 1723

Examiner: Joseph W. Drodge

**STATEMENT UNDER 37 C.F.R. §1.48(a) (1)**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


This statement is being submitted in support of a petition to correct inventorship under 37 C.F.R. § 1.48. A combined declaration and power of attorney listing my name in addition to the other inventor in this application Victor D. Dolecek was signed by me contemporaneously herewith. A copy of the signed declaration is attached hereto.

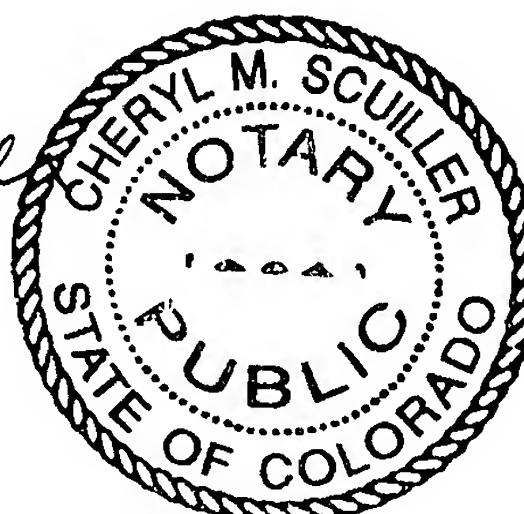
I, David Malcolm, was omitted from the original list of inventors for this application, and am now being added as an inventor. I hereby state and declare that the error in inventorship occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
David Malcolm

8-16-04  
\_\_\_\_\_  
Date

  
8-16-04  
My Commission Expires 05/15/2007



**ASSIGNMENT**

WHEREAS, WE, Victor D.Dolecek, and David Malcolm, are the inventors of BLOOD CENTRIFUGE HAVING CLAMSHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE for which we have executed an application for filing in the United States Patent and Trademark Office preparatory to obtaining Letters Patent of the United States on April 9, 2001, which application is identified therein as U.S. utility patent application No. 09/833,233 ; therefor; and

WHEREAS, MEDTRONIC, INC. a corporation organized and existing under the laws of the State of Minnesota and having a principal place of business at 710 Medtronic Parkway, Minneapolis, Minnesota 55432, hereinafter referred to as "Corporation," is desirous of acquiring the entire right, title and interest in and to said invention for the United States and for all foreign countries and in and to any and all foreign and domestic Letters Patent which may be granted therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I have sold, assigned, transferred and set over and by these presents do sell, assign, transfer and set over unto Corporation, its successors and assigns, the entire right, title and interest in and to said invention and the entire right, title and interest in and to any and all Letters Patent of the United States and any foreign countries which may be granted therefor including my rights under the International Convention for the Protection of Industrial Property, and in and to any and all extensions, divisions, continuations, continuations-in-part or reissues of said Letters Patent that may be granted, the same to be held and enjoyed by Corporation for its own use and behoof and use and behoof of its successors and assigns to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made;

AND, for the consideration aforesaid, I materially represent to Corporation, its successors and assigns, that at the time of the execution and delivery of these presents, I am the sole lawful owners of the entire right, title and interest in and to the invention, application and Letters Patent above mentioned, and that the same are unencumbered, and that I have good right and lawful authority to sell and convey the same in the manner herein set forth;

AND, for the consideration aforesaid, I hereby individually covenant and agree to and with Corporation, its successors and assigns, that whenever its counsel or the counsel of its successors or assigns, learned in the law, shall advise that an amendment or division of, or continuation or any continuation-in-part thereof, or any other proceeding in connection with the filing or prosecution of

said domestic or foreign patent applications, including interference proceedings, is lawful and desirable, or that a reissue of extension of said Letters Patent is lawful and desirable, I, or my executors, administrators or assigns will sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid Letters Patent for said invention, or for the reissue or extension of the same, without charge to Corporation, its successors or assigns, but at Corporation's expense.

I hereby request the Honorable Commissioner of Patents and Trademarks to issue the Letters Patent to Corporation in accordance with this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand on this 16<sup>th</sup>  
day of August, 2004.

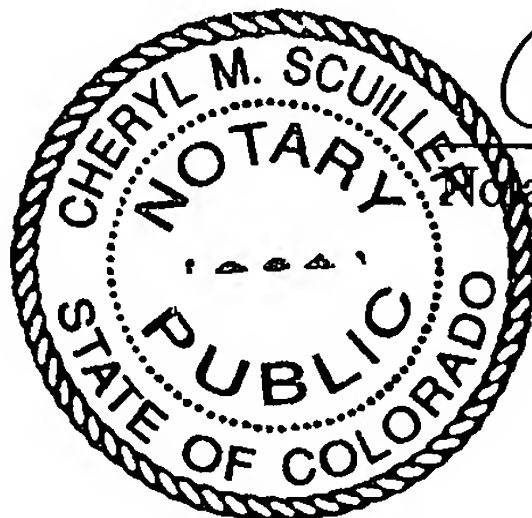
  
Victor D. Dolecek

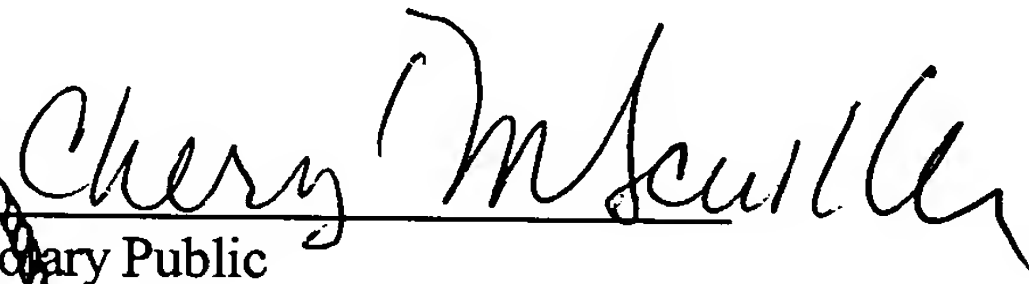
STATE OF Colorado

COUNTY OF Douglas ss.

On this 16<sup>th</sup> day of August, 2004, before me personally appeared Victor D. Dolecek, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto affixed my official signature with the seal of my office, the day and year above written.

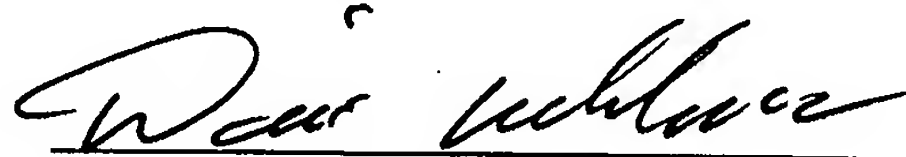


  
Cheryl M. Sculler  
Notary Public

My Commission Expires 05/15/2007

I hereby request the Honorable Commissioner of Patents and Trademarks to issue the Letters Patent to Corporation in accordance with this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand on this 16<sup>th</sup>  
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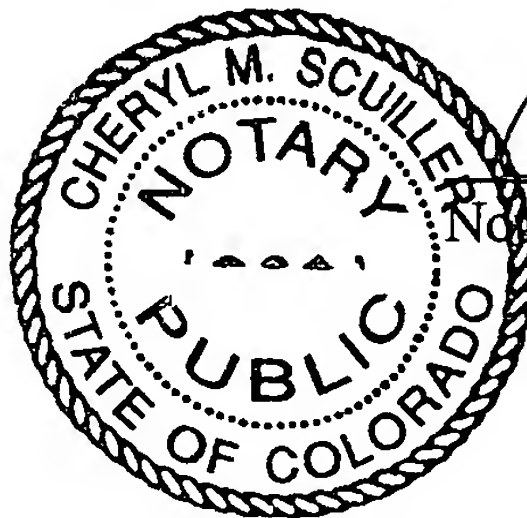
  
David Malcolm

STATE OF Colorado

COUNTY OF Douglas ss.

On this 16 day of August, 2004, before me personally appeared David Malcolm, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto affixed my official signature with the seal of my office, the day and year above written.



  
Notary Public

My Commission Expires 05/15/2007





ATTORNEY DOCKET: P-9527.00 US

PATENT

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: BLOOD CENTRIFUGE HAVING CLAMSHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE \_\_\_\_\_.

The specification of which

a. \_\_\_\_\_ is attached hereto

b. Application was filed on 4/9/2001 application serial no. 09/833,233 was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).<sup>1</sup>

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ X no such applications have been filed.

b. \_\_\_\_\_ such applications have been filed as follows:

### FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

### ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

I hereby claim the benefit under Title 35, United States Code, §120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<sup>1</sup>

### § 1.56 Duty of disclosure; fraud, striking or rejection of applications.

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.



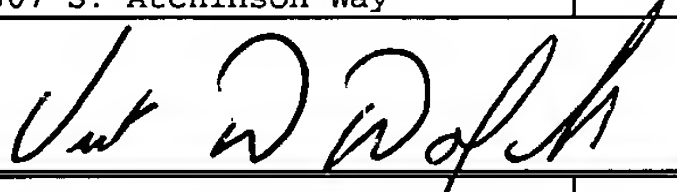

U.S. APPLICATION NUMBER	DATE OF FILING	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:


Thomas G. Berry	Reg. No. 31,736	Girma Wolde-Michael	Reg. No. 30,724
Kenneth J. Collier	Reg. No. 34,982	Thomas F. Woods	Reg. No. 36,726
Stephen W. Bauer	Reg. No. 32,192	Michael C. Soldner	Reg. No. 41,455
John W. Albrecht	Reg. No. 40,481	E. Lacy Belden	Reg. No. 50,751
Paul H. McDowall	Reg. No. 34,873	Daniel G. Chapik	Reg. No. 43,424
James R. Keogh	Reg. No. 44,824	David P. Ruschke	Reg. No. 40,151
Jeffrey J. Hohenshell	Reg. No. 34,109		

Please direct all correspondence in this case to: Jeffrey J. Hohenshell  
Medtronic, Inc.  
710 Medtronic Parkway  
Minneapolis, MN 55432  
763-391-9661

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	Full Name of Inventor	FIRST NAME <b>Victor</b>	MIDDLE INITIAL <b>D.</b>	LAST NAME <b>Dolecek</b>
	Residence & Citizenship	CITY <b>Englewood</b>	STATE OR FOREIGN COUNTRY <b>CO</b>	COUNTRY of CITIZENSHIP <b>USA</b>
	Post Office Address	POST OFFICE ADDRESS <b>6607 S. Atchinson Way</b>	CITY <b>Englewood</b>	STATE/ZIP/COUNTRY <b>CO 80111</b>
SIGNATURE OF INVENTOR 201: 				DATE: <b>8/16/04</b>
202	Full Name of Inventor	FIRST NAME <b>David</b>	MIDDLE INITIAL	LAST NAME <b>Malcolm</b>
	Residence & Citizenship	CITY <b>Parker</b>	STATE OR FOREIGN COUNTRY <b>CO</b>	COUNTRY of CITIZENSHIP <b>USA</b>
	Post Office Address	POST OFFICE ADDRESS <b>12750 N. 6<sup>th</sup> Street</b>	CITY <b>Parker</b>	STATE/ZIP/COUNTRY <b>CO 80134</b>
SIGNATURE OF INVENTOR 202: 				DATE: <b>8-16-04</b>
203	Full Name of Inventor	FIRST NAME	MIDDLE INITIAL	LAST NAME
	Residence & Citizenship	CITY	STATE OR FOREIGN COUNTRY	COUNTRY of CITIZENSHIP
	Post Office Address	POST OFFICE ADDRESS	CITY	STATE/ZIP/COUNTRY
SIGNATURE OF INVENTOR 203:				DATE:

This is the final page of the declaration.

  
**8-16-04**

My Commission Expires 05/15/2007

